

REMARKS

The Applicants are requesting entry of the foregoing amendments to place claims 11-19 and 21 into condition for allowance. Independent claim 11 would be amended to incorporate the limitations of claim 20, directed to the inclusion of an internal reference tank. Claim 20 would be cancelled accordingly, without prejudice to the subject matter therein. In addition, claim 11 would be amended to address the pending § 112, second paragraph rejection.

Rejection Under § 112, Second Paragraph: The Applicants are requesting amendment of claim 11 to recite that the recited switching means is “switching means for enabling and stopping a fluid connection of internal connecting lines.” Entry of this amendment and withdrawal of the pending § 112, second paragraph rejection is respectfully requested.

Rejection Under § 102(b): Claims 11-20 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,881,176 to Kononov (“Kononov”). The Applicants are requesting amendment of claim 11 to recite that the claimed filter testing device “includes an internal reference tank to be filled with compressed air during testing so as to detect the pressure drop of the filter to be tested, said internal referenced tank connected by connecting lines between the internal reference tank and the switching means.”

Kononov (previously noted as disclosing a filter apparatus in which pipes and valves are arranged to clean an *internal* filter), does not disclose the present invention’s inclusion of an internal reference tank. Indeed, there is no suggestion of this feature of claim 11, which eliminates the need to connect the

testing device with an external pressure device, and eliminates the possible introduction of external errors into the testing from, for example, pressure fluctuations from the external pressure source.

Because Kononov fails to disclose the foregoing features of present invention's testing device, this reference fails to disclose the present invention under § 102(b). Reconsideration and withdrawal of the pending § 102(b) rejection is respectfully requested.

Rejections Under § 103(a): Claim 21 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Kononov, in view of U.S. Patent No. 5,714,379 to Phipps, Jr. ("Phipps"). As noted above, Kononov fails to disclose amended claim 12's "an internal reference tank to be filled with compressed air during testing so as to detect the pressure drop of the filter to be tested." Phipps is cited only for the use of steel or PTFE for lines or parts, and fails to provide any suggestion regarding any aspect of an internal reference tank. Phipps therefore fails to cure the deficiencies of Kononov. Accordingly, claim 21 is patentable under § 103(a) over the combination of Kononov and Phipps. Reconsideration and withdrawal of the pending § 103(a) rejection is respectfully requested.

CONCLUSION

In view of the foregoing, the Applicants respectfully submit that on entry of the requested amendments, claims 11-19 and 21 would be in condition for allowance. Early and favorable consideration and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in

general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010743.52910US).

Respectfully submitted,

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